




J. Craig Whitley
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

IN RE:

**GARY P LEWIS
NINA SUE LEWIS**

**CASE NO. 13-31265
(Chapter 7)**

Debtors.

ORDER

THIS CAUSE coming on to be heard and being heard before the undersigned Judge of the United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division, as a compliance hearing upon the Trustee's Motion for Order Directing Turnover of Property of the Estate and for Sanctions and it appearing to the Court that there has been adequate Notice and a Hearing of this Matter as that term is defined in the Bankruptcy Code and the Rules of Bankruptcy Procedure. Present at the hearing were Wayne Sigmon, Trustee and attorney for the Trustee.

From statements of counsel, it appears that at a prior hearing in this matter, the Trustee announced that the law firm of Giarmarco, Mullins & Horton, P.C. had advised the Trustee through an email from Mr. Sean M. Walsh, attorney of the firm of Braun Kendrick Finkbeiner P.L.C. of Saginaw, Michigan that Giarmarco, Mullins & Horton, P.C. had agreed to entry of an order for turnover of the amount demanded in the Motion for Order Directing Turnover of Property of the Estate and for Sanctions, together with the Trustee's costs and reasonable attorneys fees. Said email message further requested that the Trustee send a proposed order, together with a breakdown of his costs and expenses (and support for the costs and expenses) to Mr. Walsh. After receipt of said email the Trustee forwarded to Mr. Walsh a proposed Consent Order plus a copy of the attorney pre-bill worksheet indicating the time and expenses involved in this matter to that date. After the Trustee forwarded those documents to Mr. Walsh on September 17, 2014 the Trustee has heard nothing further from Mr. Walsh to resolve this matter. Therefore, this matter should be set for a full and complete hearing on the Trustee's Motion for

Order Directing Turnover of Property of the Estate and for Sanctions to be held in this Court on October 30, 2014. Accordingly,

IT IS ORDERED that a hearing be held upon the Motion for Order Directing Turnover of Property of the Estate and for Sanctions in this Court at the United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division, Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, North Carolina, on October 30, 2014 at 9:30 o'clock a.m.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court